

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

GENBIOPRO, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20-CV-652-HTW-LGI

DR. THOMAS DOBBS, State Health Officer  
of the Mississippi Department of Health,  
in his official capacity

DEFENDANT

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**DEFENDANT’S RESPONSE TO THE COURT’S  
JULY 1, 2022 ORDER [Doc. 34]**

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On July 1, 2022 GenBioPro (“GBP”) sent an email to this Court advising that it intends to seek leave to amend its complaint “to add a claim expressly relating to the trigger law.” [Doc. 34-1]. GBP stated that “it would be more efficient for the Court to delay its ruling on the pending motion to dismiss until after [GBP] has sought leave, and if granted, filed an amended complaint. . . .” *Id.* The Court entered an order requesting that the State respond to GBP’s email by July 8, 2022. [Doc. 34].

This Court should: (1) direct GBP to file by a date certain any motion for leave to file an amended complaint; and (2) rule on the pending motion to dismiss after the Court has received any motion for leave and responsive briefing from the State. Any claim relating to Mississippi’s trigger law, Miss. Code Ann. § 41-41-45, cannot succeed. But judicial economy favors receiving briefing on the motion for leave before resolving the motion to dismiss. The State expressly reserves all rights and defenses to any motion for leave, if filed.

This the 8<sup>th</sup> day of July, 2022.

Respectfully submitted,

LYNN FITCH  
Attorney General

By: /s/ Douglas T. Miracle  
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*Counsel for Defendant, Thomas E. Dobbs, M.D.,  
MPH, in his official capacity as State Health  
Officer of the Mississippi Department of Health*

**CERTIFICATE OF SERVICE**

I, Douglas T. Miracle, Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I electronically filed the foregoing document with the Clerk of this Court using the ECF system which transmitted a copy to all counsel of record.

This the 8<sup>th</sup> day of July, 2022.

/s/ Douglas T. Miracle  
Douglas T. Miracle